

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

UNITED STATES

v.

JOSEPH ALLEN

**DEFENDANT'S MOTION FOR ACCESS TO HIS
PRETRIAL SERVICES FILE PRIOR TO
SCHEDULED REVOCATION HEARING**

Joseph Allen, the defendant in the above-captioned criminal case, hereby moves this Court to order Pretrial Services to provide his counsel with access to his Pretrial Services file prior to the revocation hearing scheduled for October 3, 2005 at 3:00 p.m. before United States Magistrate Judge Charles B. Swartwood, III. As grounds therefore, defendant avers as follows:

1. On September 27, 2005, Pretrial Services submitted a memorandum to the Court alleging that Mr. Allen had violated the terms of his pretrial release and seeking a warrant. Mr. Allen voluntarily appeared with counsel on September 28, 2005 at the Pretrial Services Office, at which time he was tested for drugs (results were negative) and taken into custody pursuant to the warrant. A revocation hearing has been scheduled for 3:00 p.m. on October 3, 2005.
2. In order to contest the government's motion for detention under 18 U.S.C. § 3148(b), the defendant needs access to his Pretrial Services file. Materials in the file are

undoubtedly pertinent to the defendant's performance on pretrial release over the past 14 months. Accordingly, the defendant needs access to those materials in order to present his case to the Court at the upcoming hearing.

Respectfully submitted,

JOSEPH ALLEN

By his attorney,

/s/James L. Sultan

James L. Sultan, BB0 #488400

Rankin & Sultan

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September 30, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon the government by e-mailing it to AUSA David Tobin at David.Tobin@usdoj.gov; and to Chief Pretrial Services Officer John R. Riley at John_Riley@map.uscourts.gov on September 30, 2005.

/s/ James L. Sultan